THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO.846 OF 2006

DATE:17.1.2006

Between:

Bhamidipati Ramana Murthy

..... PETITIONER

AND

The Revision Authority & Joint Collector

Visakhapatnam, and others

.....RESPONDENTS

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HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO.846 OF 2006

ORDER

Aggrieved by the order passed by the Joint Collector-first respondent, dated 24.9.2005, directing the second respondent to dispossess the petitioner from the land in S.No.87/1 of Asakapalli Village, the present Writ Petition is filed.

From the submissions made by the learned counsel for the petitioner it appears that there are several disputes among respondents 4 to 7 and the petitioner. It further appears that from both sides applications have been filed to the Mandal Revenue Officer-third respondent seeking issuance of pattadar pass books under the provisions of A.P. Rights in Land and Pattadar Pass Books Act. The Mandal Revenue Officer-third respondent passed an order in favour of the petitioner. Later on, the same has been reversed by the Revenue Divisional Officer-second respondent on the representation made by respondents 4 to 7. When the matter is carried before the Joint Collector-first respondent, he confirmed the orders of the Revenue Divisional Officer by passing the impugned order depriving the possession of the petitioner. At this stage, the learned counsel for the petitioner brought to the notice of this Court that a suit being O.S.No.86 of 2005 for declaration has already been filed and the same is pending.

Suit for declaration is a comprehensive suit wherein all questions can be decided by the competent Civil Court and it is also settled principle that the entries made in the revenue records are not conclusive and the purpose of the entries is limited. If a comprehensive suit like a suit for title is filed, the out come of the same would prevail over the conclusions arrived at over the entries made by the revenue authorities in

the records. Therefore, having regard to the fact that O.S.No.86 of 2005 has admittedly been filed, the same shall permitted to be continued and basing on the decision of the Civil Court, the rights of the parties can be settled by the revenue authorities.

In the light of the pendency of the suit, it is suffice to dispose of the writ petition with a direction to the respondents 1 to 3 not to dispossess the petitioner from the land in question, pursuant to the orders of the first respondent.

With the above observations and directions, the Writ Petition is disposed of. No costs.

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D.S.R.VARMA, J

17th January 2006.

Note: Issue operative portion

by wire at party's costs.

(B/o)

Tsr/Bnr.